IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3082 OF 2007
IN
SUIT NO. 2124 OF 1987

Mr. Umakant Khandke and Anr. ... Plaintiffs.

V/s.

Mr. Dattatray N. Khandke ... Defendant.

Mr. A.M. Jayakar i/b. M/s. Khaitan & Jayakar for the Plaintiffs.
Mr. Rajiv Narula for the Defendant.

CORAM : DR. D.Y. CHANDRACHUD,J.

04TH DECEMBER 2007.

P.C. :-

. By consent the Motion is taken up on board for hearing.

2. The Motion has been taken out for setting aside the order dated 6th August 2007 by which the suit was dismissed in default and for the restoration of the suit. The circumstances in which the Plaintiffs were unable to be present before the Court, are explained in paragraph 3 in the affidavit-in-support. The Motion has not been opposed.

3. In the circumstances, the Notice of Motion is made absolute in terms of prayer clauses (a) and (b).

4. By consent, time for recording of evidence before the Commissioner shall stand extended by a period of three months from today.